

MINUTES OF A MEETING OF THE LEMON GROVE CITY COUNCIL

March 6, 2018

The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency.

Call to Order by Mayor Vasquez at 6:05 p.m.

City Councilmembers present: Mayor Racquel Vasquez, Mayor Pro Tem Jerry Jones, Councilmember Jennifer Mendoza, Councilmember David Arambula, and Councilmember Matt Mendoza. City Councilmembers absent: None.

City Staff present:

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| Lydia Romero, City Manager | Sgt. Dueno |
| David De Vries, Development Services Director | Art Orturo, Assistant Planner |
| Miranda Evans, Management Analyst | Colin Stowell, Fire Chief |
| Malik, Tamimi, Management Analyst | Al Burrell, Financial Consultant |
| Mike James, Asst. City Manager/Public Works Dir. | James Lough, City Attorney |

Pledge of Allegiance was led by Veteran Richard Gold.

Presentations:

Lemon Grove History Minute #14, 40 Year Home Grown Business Recognition Honoring: Berry's Athletic Supply

Andy Enright shared Berry's Athletic Supply has served the community since 1952 beginning with owners Art & Bernice Berry. In 1981 the Healey and Enright families purchased the business, which has located at three locations and is now at Broadway and Grove Street. They supply athletic supplies for most high school and college sports, as well as youth, adult, semi-pro and professional sports teams. Mayor Vasquez presented recognition to Berry's, along with flowers, for 66 years in Lemon Grove. Jim Healey gave history about beginnings as a Firestone Tire Store and conversion to sporting goods.

Herminia Estrada, San Diego Sheriff Crime Prevention Specialist, was introduced.

Public Comments:

Mayor Vasquez acknowledged Karen Pearlman's birthday and thanked her for informing others about activities in Lemon Grove.

John L. Wood, Lemon Grove, reported there is a problem with vehicles parking on Federal Blvd. between College & Central Avenue, receptionists at Sheriff Substation do not provide public information, suggested body cams for sheriff deputies, asked when pothole at 6474 Central will be filled and when TAC is going to start.

Brenda Hammond, Lemon Grove, complained about paid agitators, reminding anger is a normal reaction to harassment.

1. Consent Calendar

A. Ratify Payment of Demands

B. Waive Full Text Reading of All Ordinances on the Agenda

C. Deny Claim submitted by Cory J. Briggs, Esq. on behalf of Christopher. Williams filed on January 11, 2018

Action: Consent Calendar Item 1C passed by the following vote:

Ayes: Vasquez, J. Mendoza, Jones and M. Mendoza

Noes: None

Abstain: Arambula due to potential conflict of interest

D. Deny Claim submitted by Monica Atkinson filed on January 18, 2018

E. Adopt Resolution No. 2018-3554 Authorizing Submittal of an Application for the TransNet Smart Growth Incentive Program Funds through the San Diego Association of Governments for the Lemon Grove Smart Growth General Plan Update and Implementation Project

Adopt Resolution No. 2018-3555 Authorizing the Submittal of an Application for the Transnet Smart Growth Incentive Program Funds through the San Diego Association of Governments for the Connect MAIN STREET Project, Phases I and II

F. Adopt Resolution No. 2018-3556 Approving the City's Investment Policy for 2018

Action: It was moved by Councilmember J. Mendoza and seconded to approve Consent Calendar Items 1 A, B, D, E and F as presented. (Note vote for Item 1C above.) The motion was passed by the following vote:

Ayes: Vasquez, J. Mendoza, Arambula, Jones and M. Mendoza

Noes: None

2. Systemic Safety Analysis Report

Mike James, Assistant City Manager/Public Works Director, gave background on the grant funded project to examine traffic collision data from 2011-2013. Colin Parent, Circulate San Diego, provided an overview of the comprehensive analysis of traffic safety and collision trends, along with recommendations for improvements. Juan Ramirez, Circulate San Diego, reviewed methodology and chapter organization.

Councilmember J. Mendoza commented about the dangerous intersection at San Miguel and Massachusetts and sought clarification about collisions with objects and refuse items.

Councilmember Arambula inquired if the study period of two years is sufficient data and if speed bumps are effective counter measures. He pointed out the collisions occur between noon and 8:00 p.m. so use of enforcement resources should correspond.

Mayor Pro Tem Jones said it is good to have the study by an outside agency, noted there are few serious accidents, suggested a pedestrian/sidewalk study, suggested pursuing grants, and requested feedback from sheriff on enforcement during peak traffic.

Mayor Vasquez highlighted the recommendations at Section 5.2 of the Report and associated costs.

Mike James, Assistant City Manager/Public Works Director confirmed the Report will be useful in applying for grants, although some data may need to be updated.

Action: Councilmember J. Mendoza moved and Mayor Pro Tem Jones seconded to adopt Resolution No. 2018-3557 Accepting the Systemic Safety Analysis report and directing staff to use the report for grant applications. The motion was passed by the following vote:

Ayes: Vasquez, J. Mendoza, Arambula, Jones and M. Mendoza

Noes: None

3. Lemon Grove Avenue Realignment Project Update

Mike James, Assistant City Manager/Public Works Director, explained the project is in the third phase; and he summarized the scope of work, eight change orders, separation of overhead utility underground project and turning over the undergrounding project to SDG&E, timeline, and budget.

City Councilmember J. Mendoza asked about location of telephone poles and affirmed staff wants the project done, along with the City Council and community. She itemized the differences between requested revenues and requested expenditures, questioning the increase to the Sanitation District, which Mr. James explained.

Councilmember M. Mendoza clarified the original project budget of \$6.3 million has increased to \$7.2 million, and he determined the timeline for the underground project will be controlled by SDG&E and estimated at 12-18 months for completion.

City Attorney James Lough interjected the project has been delayed in part to the demise of the Redevelopment Agency, and the change orders are primarily due to differing site conditions.

City Manager Lydia Romero emphasized the increased revenue is coming from Redevelopment Bonds, grants, and Sanitation District; and there are no General Fund monies being utilized.

Mayor Pro Jones mentioned the naturally occurring arsenic impacted the friendly condemnation on property needed for the project. He obtained response the delay from the concrete box around the sewer added less than one month to the project delay, the sewer line was extended east to Lemon Grove Avenue and a smaller sewer line added on Olive; also Rick Engineering will work as needed and focus on keeping the undergrounding on schedule.

Councilmember Arambula stated this project is the largest for the City, so he reflected about lessons learned.

Mayor Vasquez remarked underground issues are unforeseen causing increased costs, and ascertained the pole removal is included in the project. When the project is completed, there will be a new gateway to the City.

John L. Wood, Lemon Grove, said there should be records that could have avoided or lessened change orders 1, 2, 3, 5 and 6. He suggested installing k-rail at Broadway & Olive to stop people from crossing.

Richard Gold, Lemon Grove, inquired why the City Council meetings are no longer video-taped. He commented on use of paid consultants to survey streets, need to improve the sewer system, need to take care of roads used by citizens. Mr. Gold commented Lemon Grove & Broadway is the worst intersection in town, and he avoids the area.

Mike James, Assistant City Manager / Public Works Director, responded to issues raised.

Mayor Pro Tem Jones discussed traffic related to the realignment project, Highway 94 detour, k-rail for school, impact from elimination of redevelopment, and clarification of monies for the project.

Councilmember J. Mendoza requested more information on the budget.

**Action: Staff was directed on a motion by Mayor Pro Tem Jones and second by Councilmember J. Mendoza to provide additional financial information about the realignment project and Sanitation District capital funding at the March 20, 2018 City Council meeting. The motion was passed by the following vote:
Ayes: Vasquez, J. Mendoza, Arambula, Jones and M. Mendoza
Noes: None**

4. **Revise the Completion Date for Converting the Overhead Distribution Facilities within Underground Utility District No. 7**

Mike James, Assistant City Manager / Public Works Director, summarized the agenda report. Councilmember Arambula clarified three poles on North Avenue will remain up until completion of the project; and once all are underground, there will be another lane.

Action: A motion was made by Councilmember J. Mendoza and seconded to adopt **Resolution No. 2018-3558** Revising the Completion Date for Converting the Overhead Distribution Facilities within Underground Utility District No. 7 to June 30, 2020. The motion was passed by the following vote:
Ayes: Vasquez, J. Mendoza, Arambula, Jones and M. Mendoza
Noes: None

5. Capital Improvement Program (CIP) Update

Mike James, Assistant City Manager / Public Works Director, gave information on the Berry Street Park amphitheater project, along with status updates on capital improvement projects.

Councilmember J. Mendoza confirmed she had requested information about the amphitheater at Berry Street Park, rather than an agenda report on the Capital Improvement Program. She expressed serious concern with being uninformed about the amphitheater, delayed staff response, lack of opportunity for input from the community and City Council; saying she expects staff to keep the City Council aware of all park improvements in the future. In addition, she questioned the CIP expenditure related to the gazebo when no improvements had been made. Councilmember J. Mendoza also voiced concern about implementing controls to address loud music, and she stated there should be a place for dancing during concerts in the park other than on the grass.

Mike James, Assistant City Manager / Public Works Director, responded the gazebo project is one and the same as the amphitheater project, all being at Berry Street Park, and staff intends to return to the City Council with an item regarding jumpies and incorporate loud music in the discussion. City Manager Lydia Romero indicated staff is taking a broader look at park uses, plans to have more detail in the CIP budget, and will review and report back on the gazebo (amphitheater) expenditure.

Councilmember Arambula stressed the project name of gazebo is a misnomer, and the City needs transparency and engagement with the community on park projects.

Councilmember M. Mendoza ascertained the noise problem is from private/group speakers and not the concerts in the park.

Mayor Pro Tem Jones relayed there is always going to be some friction from an activity/event with others, the Park Ranger or signs may be helpful with loud noise; and it is good to listen to citizens.

6. Public Hearing to Consider an Amendment to the Transnet Local Street Improvement Program of Projects for FY 2017-21

Mike James, Assistant City Manager / Public Works Director, presented the agenda report. Councilmember J. Mendoza ascertained the amendment is a financial reallocation of existing Transnet Funds. Councilmember Arambula discussed the street improvements (L20) and increase in future monies from SB1 road tax.

Mayor Vasquez opened the public hearing at 8:40 p.m.

Action: There being no public comments, Councilmember Arambula moved and Mayor Pro Tem Jones seconded to close the public hearing. The motion was passed by the following vote:

Ayes: Vasquez, J. Mendoza, Arambula, Jones and M. Mendoza
Noes: None

Action: On a motion by Mayor Pro Tem Jones and second by Councilmember Arambula, Resolution No. 2018-3559 was adopted Approving an Amendment to the Transnet Local Street Improvement Program of Projects for Fiscal Years 2017-2021. The motion was passed by the following vote:
Ayes: Vasquez, J. Mendoza, Arambula, Jones and M. Mendoza
Noes: None

7. Public Hearing to Consider Variance Request VA1-700-0002 to Allow a Deviation from the Sign Ordinance to Authorize Additional Permanent Signs and Authorize a Freeway-Oriented Sign that Exceeds the Maximum Allowed Height and Size at 7164 Broadway (McDonald's Restaurant)

Arturo Ortuno, Assistant Planner, reviewed the background, discussion, permitted and proposed signage, and recommended action for either approval or denial.

Mayor Vasquez opened the public hearing at 8:48 p.m.

Angeles Nelson, Lemon Grove, urged the City Council to deny the sign variance due to the obesity epidemic, making it is easier to make healthier food choices in the community.

John L. Wood, Lemon Grove, objected to allowing flag signs; and he encouraged the City Council to say no to the variance and enforce the sign ordinance.

Brenda Hammond said everyone knows where McDonalds is and wondered why they wanted to spend the money on the sign.

Chris Janocha, McDonald's sign representative, justified needing the variance so the sign is visible from the freeway, which helps with traffic, and to have the same advantages as other restaurants.

Councilmember Arambula pointed out the freeway traffic does not funnel directly into McDonalds, the freeway sign would bring more traffic into the most congested area of Lemon Grove for less healthy food choices, and residents know McDonald's location.

Councilmember M. Mendoza clarified the number of signs requested and the variance to exceed the height and square footage limits for the freeway sign, saying customers in America can choose healthy food or not.

Mayor Vasquez confirmed McDonalds has healthy food options.

Action: The public hearing was closed at 9:02 p.m. on a motion by Mayor Pro Tem Jones and second by Councilmember J. Mendoza. The motion was passed by the following vote:
Ayes: Vasquez, J. Mendoza, Arambula, Jones and M. Mendoza
Noes: None

Councilmember J. Mendoza confessed to going to McDonalds and likes the remodel. She thinks people use their smart phone to find locations instead of driving on the freeway.

Councilmember J. Mendoza stressed there is a reason for a sign ordinance, and another freeway sign is not desired.

Councilmember M. Mendoza agreed Lemon Grove residents do not need the freeway sign, but the sign will generate more tax dollars by drawing travelers into Lemon Grove.

Councilmember Arambula stated the other businesses will also want a big tall sign, and it is too commercial for Lemon Grove.

Mayor Pro Tem Jones conveyed businesses require the tools to be successful, other businesses have signs in excess of the sign ordinance; and due to the freeway elevation, the sign is needed. He emphasized this is a commercial district and not a neighborhood.

Mayor Vasquez requested a summary of the sign ordinance.

City Attorney James Lough explained this variance could be approved based on topography (shape, size and location) unique to this property and thus would not necessarily set precedent or create an unfair advantage. He advised the Council action is a purely legislative act, and either approval or denial can be made.

Councilmember Arambula inquired about the percent of sales tax from the fast food industry, and City Manager Lydia Romero responded it is close to being in the top 25.

Councilmember J. Mendoza underscored a freeway sign is allowed within the parameters of the sign ordinance, but not the taller and larger sign requested.

Action: Mayor Pro Tem Jones moved and Councilmember M. Mendoza seconded to adopt Resolution No. 2018-3560 Approving Variance Request VA1-700-0002 to Allow a Deviation from the Sign Ordinance to Authorize Additional Permanent Signs and Authorize a Freeway-Oriented Sign that Exceeds the Maximum Allowed Height and Size at 7184 Broadway, Lemon Grove, California, with the findings contained in the Resolution. The motion was passed by the following vote:

Ayes: Vasquez, Jones and M. Mendoza

Noes: J. Mendoza and Arambula

8. Overview of Tobacco Retailer Licensing Program Provisions

Miranda Evans, Management Analyst, presented an overview of the agenda report, including background; discussion regarding tobacco troubles, San Diego County jurisdiction regulations, program provisions, proposed timeline and implementation plan; fiscal impact with Proposition 56 grant funding opportunity.

Mayor Pro Tem Jones asked about the authority for the cost of the license, and City Manager Lydia Romero replied it is a fee covering the cost of inspection.

Lorenzo Higley, CASA for Safe & Healthy Neighborhoods, declared nicotine in tobacco and smoking devices is the most addictive substance identified. It has been illegal to sell tobacco in California to young people for over 100 years. However, Tobacco 21 has not been effective in stopping such sales in Lemon Grove. He provided a packet of information.

Hazel Belvin, American Lung Association, transmitted concerns about e-cigarettes especially for youth being a gateway to smoking cigarettes, she provided pictures of devices, and urged the City Council to adopt a tobacco retailer licensing program.

Erica Phung, Chair Tobacco Control Coalition in San Diego, and representative of American Heart/Stroke Association, communicated tobacco is still the leading killer. She imparted the cities that have passed tobacco retailer licensing have reduced tobacco sales, and the program can be revenue neutral. She offered support from the Coalition and urged approval of the licensing program.

Lynda Barbour, American Cancer Society/Cancer Action Network, demonstrated support for the licensing program because it reduces access, discussed dollars spent on tobacco advertising; and she distributed a handout.

Michelle Gonzales-Lopez, Lemon Grove, thanked the City Council for supporting the Relay for Life event and for considering adoption of the tobacco retailer licensing program.

Pastor Archie Robinson, New Birth, appealed to the City Council to adopt the licensing program to protect youth and cheered Go, Fight, Stop and Win.

Angeles Nelson, Lemon Grove, expressed support for tobacco retailer licensing, and she addressed the number of stores selling tobacco including those selling to youth below age 21 and youth drinking and smoking in the skate park.

John L. Wood, Lemon Grove, shared his experience with his Dad's smoking and the health impact on him and others around him.

Councilmember J. Mendoza said she has volunteered 20 years with the American Cancer Society; and she revealed her experience with her father being able to give up drinking but could not give up smoking, and her employer's success in suing R.J. Reynolds for marketing cigarettes to youth.

Councilmember Arambula suggested moving forward with the program.

Mayor Pro Tem Jones voiced support for limiting access of cigarettes to youth, conversed about reducing the costs/fee, card reader discount, and mentioned the City of El Cajon fee.

Councilmember J. Mendoza asked whether the Sheriff or Code Enforcement would serve as the Enforcement Agency.

Lorenzo Higley, CASA for Safe & Healthy Neighborhoods, indicated they do compliance checks for the City of El Cajon and would consider contracting with Lemon Grove to reduce costs.

Lydia Romero, City Manager, added the City of Vista and San Marcos use retired annuitants; and they can also cite State law. Ms. Romero informed the City Council a grant application for the program will be on the next agenda, and City Council direction has been received.

9. Ordinance adding Chapter 2.36 (Planning Commission) to the Lemon Grove Municipal Code

The City Council will hold second reading to adopt Ordinance No. 448 adding Chapter 2.36 (Planning Commission) to the Lemon Grove Municipal Code.

City Attorney James P. Lough reported this item is for the second reading of Ordinance No. 448 Adding Chapter 2.36 (Planning Commission) to the Lemon Grove Municipal Code including the added provision, at the introduction and first reading, for the ability for City Council to compensate Planning Commissioners on a per meeting basis.

Action: It was moved by Councilmember J. Mendoza and seconded by Councilmember Arambula to adopt Ordinance No. 2018-448, Adding Chapter 2.36 (Planning Commission) to the Lemon Grove Municipal Code. The motion was passed by the following vote:

Ayes: Vasquez, J. Mendoza, Arambula

Noes: M. Mendoza and Jones

City Council Oral Comments and Reports on Meetings Attended at the Expense of the City. (GC 53232.3 (d))

Council J. Mendoza attended the following meetings and events:

- February 23 Grand Opening of St. Paul's PACE center in El Cajon for seniors
- February 24 Community Clean Up at Little League fields and thanked Malik Tamimi, Management Analyst, for fantastic job
- February 28 City/School District collaboration meeting and suggested opening school grounds for kids at all times
- March 1 Third Graders at Mt. Vernon School with San Diego Councilmember Barbara Bry regarding local government and answered questions about Lemon Grove and desire for more parks
- March 1 Dr. Shirley Weber, Assembly member, held state of the District address in Lemon Grove

- March 2 San Diego Association of Governments (SANDAG) Transportation Committee meeting: San Diego Forward, Regional Plan, Social Equity Analysis, TransNet 10-year review and short term bond issuance
- March 2 read to elementary students in observance of Dr. Seuss' birthday
- March 3 attended Opening Day Ceremonies for Lemon Grove Little League in the rain

Councilmember Arambula attended SANDAG Transportation Committee meeting and commented the Social Equity Analysis did not focus on Lemon Grove, but future projects should be prioritized for those underserved

Mayor Pro Tem Jones attended:

- East County Economic Development Council meeting and East County Chamber, and attention should be given to the proposed tax on water meters
- Chaired Metro Wastewater JPA meeting regarding San Diego Pure Water project, joint engineering, options for Phase 2, and presentations at City Council meetings

Mayor Vasquez attended:

- San Diego County/Lemon Grove family resource center black history event with theme of women in civil rights movement
- Interviewed with Channel KSDY 50.1, Hispanic/English station, on vision and future for Lemon Grove, which will air all month long
- SANDAG Board of Directors meeting and search for Executive Director
- National Association of Mental Illness (NAMI), Jack & Jill, and Alpha Kappa Alpha Sorority meeting at the Community Center and spoke on getting information out on mental health resources
- Joint collaboration meeting with City and School Board with a joint Council/Board meeting
- Assembly member Shirley Weber state of the District presentation
- Community Clean Up at the Little League Park and thanked 161 volunteers
- Little League Opening Day
- Lions Club spoken word contest

Department Director Reports

David De Vries, Development Services Director, thanked Malik Tamimi, Management Analyst, for the Community Clean Up and conveyed Mr. Tamimi's thanks to volunteers, sponsors and public works staff. Councilmember J. Mendoza added thanks to the firefighters for working. Miranda Evans, Management Analyst, reminded everyone the history minutes are on the City's YouTube channel, and the YouTube promotion exceeded the goal with eleven raffle baskets to be awarded.

Closed Session

Conference with Legal Counsel – Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 – One case

Action: By consensus, the City Council recessed to closed session for the above item at 10:24 p.m.

Closed Session Report: There was no reportable action from closed session.

Adjournment: The meeting was adjourned at 10:50 p.m.